

1 Peter R. Afrasiabi (Bar No. 193336)  
pafrasiabi@onellp.com  
2 Christopher S. Skinner (Bar No. 342830)  
cskinner@onellp.com  
3 **ONE LLP**  
23 Corporate Plaza, Suite 150-105  
4 Newport Beach, CA 92660  
Telephone: (949) 502-2870  
5 Facsimile: (949) 258-5081

6 *Attorneys for Plaintiff,*  
Paul Velgos, d/b/a Paul Velgos Photography  
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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 PAUL VELGOS, D/B/A PAUL  
VELGOS PHOTOGRAPHY,

11  
12 Plaintiff,

13 v.

14 BOARDWALK INVESTMENTS  
GROUP, LLC dba THE GARDEN  
15 NEWPORT BEACH, a Limited  
Liability Company; and DOES 1-10,  
16 inclusive,

17 Defendants.  
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Case No. 8:25-cv-171

**COMPLAINT FOR COPYRIGHT  
INFRINGEMENT (17 U.S.C. § 501)**

**DEMAND FOR JURY TRIAL**

1 Paul Velgos, d/b/a Paul Velgos Photography (“Plaintiff” or “Velgos”), by and  
2 through its attorneys of record, complains against Boardwalk Investments Group,  
3 LLC dba The Garden Newport Beach (“Defendant” or “The Garden”), and DOES 1-  
4 10, inclusive, as follows:

5 **JURISDICTION AND VENUE**

6 1. This is a civil action against Defendant for their acts of copyright  
7 infringement in violation of the United States Copyright Act, 17 U.S.C. §§ 101 et  
8 seq.

9 2. This Court has subject matter jurisdiction over this copyright  
10 infringement action under 28 U.S.C. §§ 1331, 17 U.S.C. § 501(a), and 28 U.S.C. §  
11 1338(a).

12 3. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(2) and (c)  
13 in that the claim arises in this Judicial District, the Defendant transacts business in  
14 this Judicial District, and the injury suffered by Velgos took place in this Judicial  
15 District. Defendant is subject to the general and specific personal jurisdiction of this  
16 Court because of their contacts with the State of California.

17 **PARTIES**

18 4. Plaintiff Paul Velgos, d/b/a Paul Velgos Photography is an individual  
19 residing in Indiana.

20 5. Plaintiff is informed and believes and, upon such, alleges that  
21 Defendant Boardwalk Investments Group, LLC dba The Garden Newport Beach is a  
22 limited liability company formed under the laws of the state of Delaware with its  
23 principal place of business in Costa Mesa, California.

24 6. DOES 1 through 10, inclusive, are unknown to Velgos, who therefore  
25 sues said Defendants by such fictitious names. Velgos will ask leave of Court to  
26 amend this Complaint and insert the true names and capacities of said Defendants  
27 when the same have been ascertained. Velgos is informed and believes and, upon  
28 such, alleges that each of the Defendants designated herein as a “DOE” are legally

1 responsible in some manner for the events and happenings herein alleged, and that  
2 Velgos's damages as alleged herein were proximately caused by such Defendants.

3 **STATEMENT OF FACTS**

4 *Plaintiff's Business and the Photographs Forming the*  
5 *Subject Matter of This Dispute*

6 7. As part of its business as a prominent photography agency, Velgos is  
7 hired by a multitude of top-tier media outlets. Many thousands of Velgos's images  
8 have been purchased for use in movies, television, books, magazines, websites, print  
9 wall decor, and much more. Velgos's images have been licensed by some of the  
10 world's most well-known businesses including Google, Warner Bros., Marriott,  
11 Wyndham Hotels & Resorts, Bureau of Alcohol, Tobacco, Firearms and Explosives,  
12 Fifth Third Bank, Chicago Magazine, Los Angeles Magazine, Orange Coast  
13 Magazine, Marcus & Millichap, and Jewel Foods. Examples of projects and clients  
14 are on Velgos's website. Velgos frequently works directly with businesses and also  
15 partners with advertising agencies, art consultants, and design consultants on  
16 projects.

17 8. Velgos has created many stylized and valuable photographs of high-  
18 quality cityscape, landscape, real estate, and beach photography that emphasizes  
19 unique scenes and tones. Among them is a photograph which frames the subject  
20 matter of the dispute. This photograph is a photograph of the famed Fashion Island  
21 sign at Newport Beach, California (the "Photo"), one of the most exclusive and  
22 significant fashion and commercial retail locations in the country. A true and correct  
23 copy of the Photo is attached hereto as Exhibit A.

24 9. Velgos has timely obtained the copyright registration for the Photo with  
25 the United States Copyright Office. The Photo was registered with the copyright  
26 office on April 22, 2012, before Defendant's copyright infringement. A true and  
27 correct copy of the Copyright Registration Certificate is attached hereto as Exhibit  
28 B.

*The Defendants and the Marketplace*

10. The Garden's website promotes their retail center which includes various photos of multiple businesses at their location.

11. On information and belief, the Defendant makes revenue through promoting photos of businesses in Newport Beach. One promotional material involves the Photo, which intellectual property is not licensed to The Garden or authorized by the owner to be present for advertising.

12. Plaintiff's image and the infringement are reproduced here:

*Velgos's Registered Photo:*



Fashion Island Sign in Newport Beach California is a photograph by Paul Velgos which was uploaded on November 9th, 2012.



*Infringing Use by The Garden Newport Beach:*



13. Plaintiff is informed and believes that Defendant has violated federal law by infringing Velgos's copyright to at least the Photo identified in Exhibit A. Specifically, Defendant reproduced, distributed, hosted on its servers, modified and created a derivative version, and then publicly displayed the Photo, and/or derivatives thereof without permission, consent, or license for the purposes of trade, specifically to promote The Garden's retail center and used Velgos's Photo to advertise such products.

14. Velgos has never sold or licensed the Photo to Defendant for use.

15. Plaintiff is informed and believes that Defendant has driven significant traffic to The Garden. As mentioned above, all this traffic translates into substantial ill-gotten commercial advantage and revenue generation for Defendant as a consequence of their infringing actions.

16. The infringement is also willful given, as Plaintiff is informed and believes and therefore alleges, that the watermark in the Photo on Defendant's website which was cropped to be removed by Defendant on the visible portion of the public display of the Photo on Defendant's website, and hence look legitimate, but which watermark is present in the full image when downloaded from the

1 Defendant's website (as seen above in the images). Plaintiff's properly licensed  
2 images do not contain the watermark in licensed production works.

3 **FIRST CLAIM FOR RELIEF**

4 **(Copyright Infringement, 17 U.S.C. § 501, Against All Defendants)**

5 17. Plaintiff Velgos incorporates herein by reference the allegations in  
6 paragraphs 1 through 16 above.

7 18. Velgos is the rightsholder to the copyright of the Photo, which  
8 substantially consists of wholly original material that constitutes copyrightable  
9 subject matter under the laws of the United States. Velgos has complied in all  
10 respects with the Copyright Act and all of the laws of the United States governing  
11 copyrights. The Photo has been timely registered with the United States Copyright  
12 Office.

13 19. Defendant has directly, vicariously, and/or contributorily infringed, and  
14 unless enjoined, will continue to infringe Velgos's copyright by reproducing,  
15 displaying, distributing, and utilizing the Photo for purposes of trade without  
16 authorization of or payment to Velgos in violation of 17 U.S.C. § 501 et seq.

17 20. Defendant has willfully infringed, and unless enjoined, will continue to  
18 infringe Velgos's copyrights by knowingly reproducing, displaying, distributing,  
19 and utilizing the Photo for the purposes of trade, specifically to promote The  
20 Garden's retail center.

21 21. Velgos is informed and believes that Defendant, despite such  
22 knowledge, willfully reproduced and distributed the Photo, without any right to do  
23 so.

24 22. Defendant has received substantial benefits in connection with the  
25 unauthorized reproduction, distribution, and utilization of the Photo for purposes of  
26 trade, including by increasing the traffic to their websites and use of their services.

27 23. Defendant's unauthorized actions were performed without Velgos's  
28 permission, license, or consent.



1 infringe upon Velgos's rights in the Photo at issue.

2 B. Defendant be held liable to Velgos in statutory damages for copyright  
3 infringement in accordance with 17 U.S.C. §§ 504 (a)(2) and (c) and for costs,  
4 interest, and reasonable attorney's fees pursuant to 17 U.S.C. § 505.

5 C. An accounting be made for all profits, income, receipts, or other benefit  
6 derived by Defendant from the reproduction, copying, display, promotion,  
7 distribution, or sale of products and services, or other media, either now known or  
8 hereafter devised that improperly or unlawfully infringes upon Velgos's copyright  
9 pursuant to 17 U.S.C. § 504 (a)(1) and (b).

10 D. Requiring Defendant to account for and pay over to Velgos all profits  
11 derived by Defendant from their acts of copyright infringement and to reimburse  
12 Velgos for all damages suffered by Velgos by reasons of Defendant's acts, pursuant  
13 to 17 U.S.C. §§ 504 (a)(1) and (b).

14 E. Actual damages for copyright infringement pursuant to 17 U.S.C. §§  
15 504 (a)(1) and (b).

16 F. That Velgos be awarded any such other and further relief as the Court  
17 may deem just and appropriate.

18  
19 Dated: January 30, 2025

**ONE LLP**

20  
21 By: /s/ Peter R. Afrasiabi

22 Peter R. Afrasiabi

23 Christopher S. Skinner

24 *Attorneys for Plaintiff,*

25 Paul Velgos, d/b/a Paul Velgos

26 Photography  
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**DEMAND FOR JURY TRIAL**

Plaintiff Paul Velgos, d/b/a Paul Velgos Photography, hereby demands trial by jury of all issues so triable under the law.

Dated: January 30, 2025

By: /s/ Peter R. Afrasiabi

Peter R. Afrasiabi

Christopher S. Skinner

*Attorneys for Plaintiff,*

Paul Velgos, d/b/a Paul Velgos

Photography